

REMARKS

The Examiner has not entered the amendments presented in the response after final, submitted by Applicants on June 24, 2004. The recently received Advisory Action states that the amendments were not entered because the proposed amendments raise new issues that would require further consideration and/or search, and that the proposed amendments are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal. The Examiner asserts, in the Advisory Action, that:

Amended claim 1 introduces the limitation “detecting” rather than the previous “preventing” of tapmering [sic]. Further, amended claims 1, 12, 23 & 34 include the limitation that an error is signaled, where the error indicates tampering. These new limitations require further search and/or consideration.

Applicants assert that both detecting and error signaling were previously disclosed, and that it is incorrect for the Examiner to assert that a new search would be required in order to enter the proposed claim amendments.

In regard to the assertion that the “detecting” would require additional searching, Applicants contend that the claims, as filed and in the preliminary amendment, disclose that the invention detects tampering. For example, a relevant portion of independent claim 12, as filed and as in the preliminary amendment, recites “Meter electronics for a Coriolis flow meter that detects possible tampering”

In regard to the assertion that the claim element of “signal an error condition that indicates tampering” would require additional searching, Applicants contend that the above language was included in the claims as filed, although not literally. Applicants point to independent claim 1. Claim 1 includes the language of “A system for preventing tampering” and “signal an error”. Therefore, it would be understood by a person of ordinary skill in the art that preventing tampering and signaling an error would comprise an operation of signaling an error condition that indicates tampering. Likewise, independent claims 12, 23, and 34 of the preliminary amendment also disclose tamper resistant meter electronics/preventing tampering and signaling an error.

Therefore, the refusal to enter the proposed claim amendments was improper. The terms specified in the Advisory Action could have and should have been searched at the beginning of prosecution of the instant patent application. Applicants intend to so argue in an Appeal Brief.

If there are any remaining matters that can be handled in a telephone conference, the Examiner is invited to telephone the undersigned attorney, Gregg Jansen, at (303) 938-9999 ext 14.

Respectfully submitted,

Date:

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